

REMARKS

Reconsideration of the application in light of the amendments and the following remarks is respectfully requested.

Status of the Claims

Claims 1, 3-12, and 14-21 are pending. Claims 1 and 10-12 have been amended. No new matter has been added. Claims 2 and 13 have been cancelled without prejudice or disclaimer of the subject matter recited therein.

Claim 1 has been amended to include the features of cancelled claim 2. Claims 10, 11, and 12 have been amended to include the features of cancelled claim 13.

Rejection Under 35 U.S.C. § 102

Claims 1-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5, 875,430 to Koether ("Koether"). Claims 2 and 13 have been cancelled, thus rendering the rejection moot with respect to claims 2 and 13.

The Examiner cites Koether, column 5, lines 50-59, column 7, lines 46-62, and column 8, lines 14-30 as disclosing "a menu . . . structured to have a different content in accordance with said identifier information," as recited in claim 1. Applicants respectfully submit that none of the cited passages disclose this feature of claim 1. Moreover, the passages cited do not even disclose a menu, much the less a menu having content that is determined by the transmitted appliance identifier information.

Amended claim 1 further recites the active process of sending the identifier information “in response to a send instruction for said identifier information . . . issued by activation of an access button disposed on said appliance.” In contrast, Koether discloses powering on the kitchen base station at which point control automatically passes to the step of passively determining whether data has been received from the kitchen appliances. (Koether, column 8, lines 1-5.) The passive determination of Koether is significantly different from the claimed invention’s active process of sending the identifier information from the appliance to the server in response to the activation of an access button on the appliance. Therefore, Koether does not disclose each and every element of claim 1. Thus, Koether does not anticipate claim 1.

Claims 2-9 depend from claim 1 and recite their own features in addition to the features of claim 1. Claims 2-9 are patentable over Koether for at least the same reasons discussed above with respect to claim 1.

Independent amended claims 10, 11 and 12 recite features similar to those of amended claim 1 as discussed above. Therefore, Koether does not disclose each and every element of claims 10, 11 and 12 for at least the same reasons. Thus, Koether does not anticipate claims 10, 11 and 12.

Claims 14-16 and 21 depend from claim 11 and recite their own features in addition to the features of claim 11. Claims 17-20 depend from claim 12, and recite their own features in addition to the features of claim 12. Therefore, claims 14-21 are patentable over Koether for at least the same reasons discussed with respect to their respective base claims.

Reconsideration and withdrawal of the rejection is requested.

CONCLUSION

Each and every point raised in the Office Action dated August 30, 2005 has been addressed on the basis of the above amendments and remarks. In view of the foregoing it is believed that claims 1, 3-12 and 14-21 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

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Dated: November 29, 2005

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